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# English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850–1920


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Until 1975 those who wanted to study the history of English prisons turned to the standard work on the subject which was first published in 1922, *English Prisons Under Local Government*, by the two pioneers of the history of English Social Policy Sidney and Beatrice Webb.(1) This carefully researched account emphasised the evolution of the system since the early eighteenth century as an example of social progress, moving from a time of local corrupt malpractice towards the Fabian socialist model of rational knowledge based national regulation which the Webbs advocated as their alternative to the Bolshevik model of violent revolutionary overthrow of capitalism.

The first edition of Michel Foucault's *Discipline and Punish* (2) appeared in 1975, and quickly acquired a wide readership among a generation of students for whom the Webbs were a distant memory and impatience with what was known as social control a marked characteristic. Foucault described the modern history of the European prison as but a minute part of the development of a vast system of incarceration. For Foucault, the new social sciences were a foundation for disciplinary administrative structures which demarcated and confined newly identified and classified categories of humans who were said to differ from the rational and politically desirable character type. Foucault warned that a carceral nightmare was unfolding upon earth with humanity caught, like a fly within a web, as disciplinary institution built upon disciplinary institution, all on the false, lurid promise of a fabricated knowledge promising a rational, liberated and beneficent future.

There followed a number of thought provoking and valuable studies, and two major trends emerged in the resulting reappraisal of the historical development of English prisons. In the first place the Foucauldian thesis of discipline and regulation was developed with great skill and knowledge by Michael Ignatieff and David Garland who, from differing perspectives, advanced the idea that the modern British state hugely increased the reach of the penal system; Ignatieff saw it as facilitating

the onward march of factory based capitalism, while Garland highlighted the growing regulation and subordination of ever-increasing numbers of social deviants by newly developed institutions of confinement, based on the new categories apparently discovered and revealed by the social sciences. In a not dissimilar vein was Martin Wiener's work on cultural development in British society, emphasising the spread of neo-Darwinian ideas about the nature of the criminal and the corollary growth of specialist institutions to measure, confine and control such beings.(3)

The second tradition which emerged was that of meticulous research into the day to day workings of the nineteenth- and early-twentieth-century prison. This involved close encounters with the immense quantity of government papers, many hitherto unread, in the archives of both central and local government. There resulted some formidable contributions to our knowledge, including the work of Sean McConville, Sir Leon Radzinowicz, Roger Hood and Victor Bailey, who all depicted in fascinating detail the intentions and actions of contemporary penal administrators and the actual operation of the systems which they created.(4) This tradition was also represented in some excellent local research depicting the development of prisons in counties such as Warwickshire and Lancashire.(5) Indeed, so great did interest in the history of the prison become that in the mid 1990s there appeared a magisterial *Oxford History of the Prison* with contributions from distinguished political thinkers and historians all over the world, and the *New Oxford Dictionary of National Biography* is littered with biographies of prison reformers and administrators of the past.(6) Further evidence of the great interest in prison history has been the republication of large quantities of original source material. Examples of this are the republication of some thirty titles by well known contemporary English writers of the nineteenth and early twentieth century by the New York publishers Garland, and a further eight titles including the seminal work of the late eighteenth century prison explorer John Howard by Routledge/Thoemmes in 2000.(7)

Alyson Brown has written a book which aims to concentrate on the origins, causes and effects of disturbances in prisons between 1850 and 1920. The more significant of these were often referred to as 'mutinies' by contemporaries who were keen to portray them as unjustified insubordination and riot rather than as having any legitimacy as acts of protest. Brown's concern is with the position and reaction of the prisoner in such events rather than with the actual form or extent of each disturbance, and her main interest is the theme of collective resistance and defiance – an aspect which she believes Foucault in particular under emphasised in his account of the growth of the seemingly invincible panopticon.

Brown notes that although major disturbances were rare in the English prisons of these years, in each year between 1865 and 1875 there were over two thousand offences against prison regulations in each of the large convict prisons and therefore, she argues, resistance was much more widespread than the rare major outbreaks which resulted in intervention by local military and newspaper headlines. It should be noted that after 1850 there were essentially two types of prison in England. There were the convict prisons, some 12 in number by 1870. These were set up to hold those who had previously been sentenced to transportation for long periods up to life but who, following the end of transportation in the 1850s, now had to be held in what was known as penal servitude in new institutions called convict prisons administered by a central government body, the Directorate of Convict Prisons. The second type of prison was the combined gaol and house of correction run by the local magistrates and subject to central state inspection. There were 68 of these in 1878 in which year a new Prison Commission took over all the local prisons of England and Wales thereby effectively nationalising them. At the same time the Directorate of Convict Prisons effectively merged with the new Prison Commission, although the Directorate did retain a theoretical separate legal identity.

Alyson Brown is particularly interested in prisoners' perceptions and experiences of their imprisonment because they were often forced to spend twenty-two hours a day in the solitude of their cells in conditions of great privation and suffering. She has a particular interest in how 'time' was perceived and distorted in a regime where each day was a monotonous lonely and deprived repetition of the day before. She cites a number of well known Victorian prisoners who subsequently wrote of their experiences. Florence Maybrick, very controversially convicted in 1889 at Liverpool Assizes for the arsenic poisoning of her husband and reprieved from the death penalty, spoke of the 'voiceless solitude, the hopeless monotony, the long vista of tomorrow, tomorrow, tomorrow' (p. 17). Prisoners therefore dwelled on a past life before prison in which they had an identity and an individuality, and they deeply feared that the inexorable routine of the regime would lead to a future in which they would merely mark time as their minds decayed and became permanently vacant. Similarly prisoners would dream of life after prison, where time would no longer be the passage of day after day of imposed suffering but would be under the ex-prisoner's control and would offer fulfilment. Therefore death in prison was particularly feared for it ended the possibility of a different kind of 'time' to the present undifferentiated and extended misery of 'seclusion, silence, shame, separation … minute and pedantic control' (p. 26). Hence Brown's theme of disturbance and prison indiscipline as resistance is based upon the idea of the expression of individuality in opposition to perceived imposed collective suppression.

Brown examines the outbreak at Chatham Convict Prison in February 1861 in this context. Here prisoners protested at what they saw as the unjust punishment of some of their number, and around 850 convicts rioted and took over the prison. Troops and police were sent to the prison but by the time they arrived the warders had driven the prisoners into their cells with great force and the incident was over. As a result around 50 prisoners were sentenced to three dozen lashes with the cat o'nine tails.

Brown's is a well researched and well evidenced account of this episode, and particularly valuable is her description of the various events within the prison which combined to make for a highly volatile situation. She also convincingly points up a number of trends in the convict prisons generally at that time which made for instability in the system as a whole. One of these was a sense of injustice among prisoners in regard to new regulations governing release on licence.

Brown turns from a large convict prison to a local prison, that of Hull, set up in 1829 and closed 50 years later. She discusses in detail the debate which De Lacy, in particular, has had with Foucault and others as to the degree to which the new prison model did actually replace the disorganised, poorly regulated, undisciplined local prisons of John Howard's day. Her conclusions about Hull are that, although there persisted plenty of archaic idiosyncrasies at the prison, it did incorporate many of the new methods advocated by the reformers such as uniformed warders, cellular confinement and so forth. Resistance in Hull prison was much less spectacular than the Chatham riot. Here the population of prisoners was made up of local people often regularly in and out of prison who were part of the same local community as the staff, and their defiance of the regime was more muted, consisting of refusal to work on the treadmill or disobeying the orders of staff.

The author turns next to the convict prison generally between 1865 and 1895, a period which she rightly describes as 'the most deterrent period in the history of the modern prison' (p. 83). Under the Chairman of Convict Prison Directors (and subsequently the first Chairman of the English Prison Commission) Edmund Du Cane, the prison system was stripped of all remaining vestiges of early Victorian zeal for the reform of the individual prisoner, and opted for a bleak, pessimistic, purposefully inflicted severity with a very poor diet, severe hard labour and all amelioration of regime won under a system of marks awarded for conformity, with intensive and rigid enforcement of the rules. Under this regime it was not long before allegations of institutionalised brutality of inmates by staff began to be made, notably by witnesses to the Kimberley Commission, set up by the

government in 1877 to enquire into allegations made by some staff and prisoners against the convict prisons. A picture emerged, denied by the majority of official witnesses, of regular violence to prisoners, degrading and cruel conditions, protesting staff quickly ushered out of the system and torture of prisoners by some staff, particularly at Dartmoor. Indeed labour had become so severe that at Chatham 33 surgical amputations of limbs were necessary after prisoners had thrown themselves under locomotives at their workplace in order to render themselves unfit for labour.

Brown notes correctly that in the Du Cane era the idea grew up that 'the hardened criminal character was increasingly perceived as primitive and unresponsive to reformatory opportunities and therefore could be discouraged from crime only through the imposition of the most severe of punishments' (p. 108). This was in part the result of the growth of neo-Darwinian positivist social science which emphasised that the pauper, criminal, lunatic and vagrant were constitutionally and characteristically inferior to the adapting, successful, striving and competitive. This way of thinking came to exert a strong general influence over policy makers such as Du Cane, and he and many other officials, such as Arthur Griffiths, an influential prison inspector of the time, were openly contemptuous of the zeal for conversion and reformation of prisoners which had characterised the 1830s and 40s. However, times change, and after 1895 the pendulum began to swing again towards a relaxation of severity and a more reformatory focus. Brown surveys the debate which has taken place between Martin Wiener, Victor Bailey, David Garland and myself about this (8), and explicitly links the relaxation of discipline which did occur to incidents of defiance and resistance at Wormwood Scrubs in 1907 which resulted in confrontation between prisoners and staff. As noted, amelioration of severity accelerated in the 1920s and 30s with close cropping of convicts' hair ending in 1921 and routine initial total cellular isolation for all convicts suspended in 1922 and ended in 1931.

Finally Brown turns to political prisoners. These were prisoners who defined themselves as servants of a cause and therefore not moral defaulters deserving of the punishment legitimately bestowed on criminals. They were sent to prison either for refusing to undertake certain actions, such as anti-vaccinationists, or for undertaking action against the law, such as so-called Fenians blowing up public buildings with dynamite in the pursuit of Irish independence. There were many different shades of opinion represented amongst these, including as they did conscientious objectors to military service in the First World War, Salvation Army officers, Socialists, Irish Nationalists, Suffragettes and others. Numbers of these could be large. Indeed by June 1917 there were around 600 conscientious objectors in prison in England.

There is a rich vein of protest literature which resulted from imprisonment of political prisoners, for these were often articulate, literate people with the resources of highly organised and vocal groups to ensure that their voices were heard. They also had to deal with governments which knew that the cause in question might ignite into revolution and political catastrophe if handled wrongly. Therefore reaction to such groups was by no means consistent and on occasion – as with the Birmingham Six in our time – the prisons themselves chose ways of brutalising them rather than complementing the more lofty goals of distant politicians and administrative supremos.

As Brown points out, there was often extreme cruelty resulting in death and injury. This was without doubt apparent in the mid-Victorian period at Chatham convict prison where commissioners heard evidence of sustained beatings, deprivation of food, sleep and other necessities of life with regard to Fenians, and it must be recalled that between 1868 and 1870 seven of these died in prison, four committed suicide and others became insane. But other reactions were calculated to prevent political unpopularity or alienation of the public. For example, the liberal government before the First World War knew that the force feeding of hunger striking suffragette prisoners was unpopular and risked causing deaths which would add great strength to the suffragette cause. As Annie Kenny remarked in 1913, 'we say "let us die we are prepared to die" … they know perfectly well that if one

woman dies in prison those women who do not approve of militancy today will come out to be militant tomorrow' (p. 160). The government therefore reacted with the Cat and Mouse legislation by which hunger striking suffragettes were released from prison but could be rearrested once they had restored themselves to health outside. Another device was attempted appeasement, such as that of Winston Churchill in 1910 when as Home Secretary he introduced rule 243a. This denied suffragettes the official first division status which was available to political prisoners (such as Dr Jameson in 1896 following the Jameson raid on the Transvaal) and which the suffragettes demanded as recognition of their political status. However, rule 243a set up a division where the comforts were equivalent to the first division, yet suffragettes were not awarded the status of political prisoners.

The conclusions which Brown draws from all this are that the institutional routine and the prisoners' perception and experience of it are essential components of any account of disturbance and resistance in prisons. In particular she highlights 'empty time and long hours' (p. 175) and the perception of an extended present resulting in distortion of past and future. She also emphasises the importance of a lack of belief in the legitimacy of the conditions in the prisons amongst prisoners and especially so among political prisoners who, in her view, were often more organised and educated than other prisoners (p. 170).

The first point I would want to make about this book is that it is based on a good range of source material, both published and unpublished and, indeed, it is in part the result of many years of research which led to a recent award of a PhD by Hull University. Second, the author has uncovered material which has not been widely used bearing on both Chatham convict prison and Hull local prison. Interestingly Brown's account of the development of Hull prison is closely consistent with the account that Margaret De Lacy gave of the prisons of Lancashire, and we may now safely conclude from these studies that there were significant and locally influenced divergences from the awesome Foucauldian total institution said by Foucault to dominate the penal landscape from the mid-nineteenth-century. Third, Alyson Brown has a good grasp of the modern literature on the history of English prisons and her survey of the debates between historians over the last thirty years is most reliable, her conclusions balanced and well informed.

Furthermore, I would like to comment on the focus of the book. I have no doubt that Alyson Brown is right to focus initially on the experience and meaning of time to prisoners. She cites a good deal of prisoner material in regard to this, but I would have valued a more systematic discussion of the inner world of the prisoner who spent such long and lonely time in reflection, and I think that this would have strengthened her argument about prisoners' use of time. We have a large store of literature written or dictated by prisoners concerning their perceptions of their lives before, during and after prison, and there are consistent themes which emerge from this literature including those of emotional turmoil (bereavement, loss, abuse, fear) and of social relationships (with authority and family for example). Through such literature we gain deeper insight into Victorian society and these themes are well illustrated by reflections of prisoners who had so much time to think and reflect. There is also a good deal of official material which bears on this. In the 1840s and 1850s officials such as prison chaplains were intensely preoccupied with the inner lives of prisoners because they wished to restock their minds with religious truths in place of presumed sinful and self-indulgent preoccupations. They therefore devoted considerable time to recording the thoughts and troubles of prisoners, often in great detail.

My final point about this valuable book concerns the need to recognise that very many prisoners who were present at riots or episodes of defiance did not participate in them. Indeed we know that such episodes can be disturbing and frightening to them and, on occasion, may serve to trigger acts of violence from prisoner to prisoner and acts of heroism, such as prisoners protecting other prisoners or staff. An example of the impact of such events on prisoners was the reaction of some prisoners at Wormwood Scrubs prison to the collective defiance of conscientious objectors to the regime in 1919,

which was accompanied by continuous shouting and singing throughout the night by the objectors. Other prisoners found this intolerable and complained about it. An example of prisoners actively helping staff who were in danger in very frightening circumstances was the insurrection at Dartmoor prison in January 1932 which falls outside Alyson Brown's era.(9)

Britain's daily average prison population now sits at around 80,000, and at least one major political party has it in mind to build more prisons as the word 'super-prison' becomes part of the English language. There are no ready-to-hand solutions to the very serious issues with which this expanding prison population faces us. We now imprison a higher proportion of our citizens than almost any country in Europe. This book contains much food for thought on the part of all who work in, administer or inhabit modern prisons, for the triggers to insurrection and defiance in prisons do not change greatly from one era to another, and here is an opportunity at least to reflect on some of the lessons from history.

## Notes

1. S. and B. Webb, *English Prisons Under Local Government* (repr. 1963).Back to (1)
2. M. Foucault, *Discipline and Punish* (Harmondsworth, 1977).Back to (2)
3. M. Ignatieff, *A Just Measure of Pain* (London, 1978); D. Garland, *Punishment and Welfare: A History of Penal Strategies* (Aldershot, 1985); M. Wiener, *Reconstructing The Criminal: Culture, Law and Policy in England 1830-1914* (Cambridge, 1990).Back to (3)
4. S. McConville, A History of English Prison Administration, vol. i, 1750–1877 (London, 1981); S. McConville, *English Local Prisons 1860–1900: Next Only To Death* (London, 1995); L. Radzinowicz and R. Hood, *The Emergence of Penal Policy* (London, 1986); and V. Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender* (Oxford, 1987).Back to (4)
5. M. De Lacy, *Prison Reform in Lancashire, 1700–1850. A Study in Local Administration* (Stanford, Calif., 1986); J. Saunders, 'Institutionalised Offenders. A Study of the Victorian Institution with Special Reference to Warwickshire' (unpublished University of Warwick PhD thesis, 1983).Back to (5)
6. N. Morris and D. Rothman, eds., *The Oxford History of the Prison* (New York and Oxford, 1995).Back to (6)
7. Martin J. Wiener, ed., *Crime and Punishment in England 1850–1922* (London and New York, 1984); W. J. Forsythe, ed., *The State of the Prisons in Britain 1775–1905* (London, 2000).Back to (7)
8. Bailey, *Delinquency and Citizenship*, Garland, *Punishment and Welfare*, W. J. Forsythe, *Prison Discipline, Reformatory Projects and the English Prison Commission 1895–1939* (Exeter, 1990).Back to (8)
9. Report by Mr Herbert Du Parcq KC on the Circumstances Connected With The Recent Disorder at Dartmoor Convict Prison (Parl. Papers [C.4010], 1931), vii, p. 34.Back to (9)

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